

11/21/97  
JCS32 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 989.6442 FWC

AFWC  
PATENT  
7125 U.S. 863  
08/975983  
11/21/97

Anticipated Classification of This Application: Class: \_\_\_\_\_ Subclass: \_\_\_\_\_

Prior Application:

In re application of: Martine Cerutti, Hassan Chaabihi, Gerard Devauchelle, Laurent Gauthier, Michel Kaczorek, Marie-Paule LeFranc, and Marie-Alix Poul

Serial No.: 08/807,864 Group Art Unit: 1804  
Filed: 02/26/97 Examiner: Not yet assigned  
Phone No.: \_\_\_\_\_

For: Recombinant Baculovirus and Use Thereof in the Production of Monoclonal Antibodies

FILE WRAPPER CONTINUING (FWC) APPLICATION TRANSMITTAL

Box FWC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- [X] continuation  
[ ] divisional  
[ ] continuation-in-part (for oath or declaration see II below) attached is an amendment for added subject matter  
[ ] continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97

\* \* \* \* \*

Certification Under 37 CFR 1.10

"Express Mail" Mailing Label No. TB573882188US

Date of Deposit Nov. 21, 1997

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

GERRY MARRERO  
(Name of person mailing)

Gerry Marrero  
(Signature of person mailing)

Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

Name: Martine CERUTTI  
Address: 2997, route de Montèze  
F-30380 Saint-Christolès-Alès, France

Name: Hassan CHAABIHI  
Address: 30B, avenue Jules-Guesde  
F-30100 Alès, France

Name: Gérard DEVAUCHELLE  
Address: 137, chemin de l'Espervette  
F-30380 Saint-Christol-lès-Alès, France

Name: Laurent, GAUTHIER  
Address: 186, grande-rue  
F-30100 Alès, France

Name: Michel KACZOREK  
Address: 81, boulevard de la Lironde  
F-34980 Montferrier, France

Name: Marie-Paule LEFRANC  
Address: 4, rue du Vallon  
F-34830 Clapiers, France

Name: Marie-Alix POUL  
Address: 10, rue de Docteur-Roux  
F-34000 Montpellier, France

The above-identified application, in which no payment of issue fee, abandonment of (other than where the above identified application was abandoned under 37 CFR 1.313(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

LAW OFFICES  
Weiser & Associates, P.C.  
SUITE 500  
230 SO. FIFTEENTH ST.  
PHILADELPHIA, PA 19102  
(215) 875-8383  
FACSIMILE (215) 875-8394

## I. Inventorship Statement

(complete applicable item (a), (b), and/or (c) below)

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are the same.

## II. Declaration or oath

A. Continuation or divisional

☒ To be submitted later.

## III. Identification of Claims for Further Prosecution

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the claims as on file in the prior application.

## IV. Fee Calculation (37 CFR 1.16)

	No. <u>Filed</u>	<u>Basic</u>	No. <u>Extra</u>	Small <u>Entity</u>	Other Than Small <u>Entity</u>	Small Entity Basic Fee <u>\$ 395</u>	Other Than Small Entity <u>\$ 790</u>
Total <u>Claims:</u>	<u>15 -</u>	<u>20 =</u>	<u>0 x</u>	<u>\$ 11</u>	<u>\$ 22 =</u>	<u>\$</u>	<u>\$ 0</u>
Independent <u>Claims:</u>	<u>1 -</u>	<u>3 =</u>	<u>0 x</u>	<u>\$ 41</u>	<u>\$ 82 =</u>	<u>\$</u>	<u>\$ 0</u>
Multiple dependent <u>claims if any:</u>				<u>\$135</u>	<u>\$270 =</u>	<u>\$</u>	<u>\$ 0</u>
Filing Fee Calculation:						<u>\$ 395</u>	<u>\$ 0</u>

## V. Small Entity Statement

- ☒ The small entity statement was filed in the parent application Serial No. 08/807,864 which parent application was filed on 02/26/97 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

*Reduced filing fee calculation \$395.00*

**VI. Fee Payment Being Made at This Time**

Not attached

☒ No filing fee is submitted. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)*

**VII. Priority -- 35 U.S.C. 119**

☒ Priority of application Serial No. 94/01015 filed on 31 January 1994 in France and International Application PCT/FR95/00110 filed on January 31, 1995 and which designated the U.S is claimed under 35 U.S.C. 119.

☒ certified copy will follow

**VIII. Relate Back -- 35 U.S.C. 120**

"This is a continuation of copending application Serial Number 08/807,864 filed on 02/26/97 (now abandoned)."

**IX. Power of Attorney**

The power of attorney in the prior application is to

Gerard J. Weiser	Reg. No. 19,763
Howard M. Eisenberg	Reg. No. 36,789

- a. ☒ The power appears in the original papers in the prior application.
- b. ☒ Address all future communications to:

Gerard C. Weiser  
230 S. 15th Street, Suite 500  
Philadelphia, PA 19102  
(215) 875-8383

**X. Maintenance of Copendency of Prior Application**

*(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run)*

☒ A petition and fee has been filed to extend the term in the pending prior application until November 23, 1997.

## XI. Abandonment of Prior Application

- [X] Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

Respectfully submitted,



Steve Mendelsohn  
Registration No. 35,951  
Weiser & Associates, P.C.  
Attorney for Applicant  
(215) 875-8305 ext. 29

Dated: 11/21/97

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